

**CALFRESH REQUEST FOR POLICY INTERPRETATION****PI# 17-70**

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

**Please note:** the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		08/17/2017	08/24/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
		Santa Barbara County	
3. PHONE NO.:		7. SUBJECT:	
EMAIL:		Claims for Back Months	
4. REGULATION CITE(S):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 15-42	

## 9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

HH of 1 that applied in 1/16 with earnings of \$1200. Client was given a 130% IRT limit of \$1276. The client received a raise so his earnings increased past his IRT and he failed to report within 10 days. This information was later found on an IEVS report in 12/16 when the worker was processing the CF RRR. The client went over the IRT in 3/16 due to earnings in the amount of \$1900. The 200% max is \$1962 so this client would have still been eligible to some benefits, had he reported timely.

When calculating claims for back months, will the worker re-calculate benefits using the 200% limit, therefor giving the client partial claims or would the worker use the 130% limit giving the client total claims for income over the 130%?

## 10. REQUESTOR'S PROPOSED ANSWER:

Per ACL 15-42, if the household's gross income is determined to be over 130% and at or below 200% of the FPL, the CWD must send a new SAR 2 that notifies the household of their CalFresh family size, current income, and that the household no longer has an IRT for reporting purposes. In this scenario, because the client was over 130%, but under 200%, the client would still be eligible to CF but at a recalculated CF allotment amount.

## 11. STATE POLICY RESPONSE (CFPB USE ONLY):

Per MPP 801.312, if the household receives a larger allotment than it was entitled to receive, the CWD shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.

In this scenario, it was determined via an IEVS report that the client received gross monthly income over the IRT (i.e. 130% FPL). The client was required to report this income within 10 days of receiving the income, but failed to do so. The OI would be established for either April/May depending on what day of the month of March the income over IRT was received and whether the CWD could adjust benefits for the next month or the following months. (continued on next page)

AF/WEB

**FOR CDSS USE**

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
08/17/2017	09/02/2017

**CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)****PI#**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST:	NEED RESPONSE BY:
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	EMAIL:	7. SUBJECT:	
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In this scenario, we also assume that with the new earnings the client's income was over the IRT, but under 200% FPL. Due to Modified Categorical Eligibility, the client remained eligible with gross income between 130% and 200% FPL and net income below 100% FPL.

If the client had made the report of income over the IRT as required, the CWD would have determined continued eligibility, adjusted benefits and would have informed the client that they do not have an IRT moving forward.

Therefore, when calculating the claim the county shall establish the claim against the household equal to the difference between the allotment the household received and the allotment the household should have received. In this case, that is the difference between the client's original benefit level and the client's new benefit level.